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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86314423
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86314423/large
LITERAL ELEMENT	BURGESS
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size
GOODS AND/OR SERVICES SECTION (007)(no change)	
GOODS AND/OR SERVICES SECTION (037)(current)	
INTERNATIONAL CLASS	037
DESCRIPTION	
Maintenance and repair of oil field equipment, namely, oil drilling mud degasser, mechanical oxygen scavenger vacuum / blower equipment used in the degassing of drilling mud	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1973
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1973
GOODS AND/OR SERVICES SECTION (037)(proposed)	

INTERNATIONAL CLASS	037
DESCRIPTION	
Maintenance and repair of oil field equipment, namely, oil drilling mud degasser, mechanical oxygen scavenge vacuum / blower equipment used in the degassing of drilling mud	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1973
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1973
STATEMENT TYPE	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/v in commerce at least as early as the filing date of the application"[for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of an Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use or to the filing of an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a copy of the specimen that was originally submitted with the application, amendment to all statements of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU1-21658157228-20151207110649249585_._Burgess3000ExhibitASupplementalRe
CONVERTED PDF FILE(S) (5 pages)	\\TICRS\EXPORT16\IMAGEOUT16\863\144\86314423\xml12\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\144\86314423\xml12\RFR0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\144\86314423\xml12\RFR0004.JPG
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ORIGINAL PDF FILE	SPU1-21658157228-20151207110649249585_._Burgess3000ExhibitBSupplementalRe
CONVERTED PDF FILE(S) (4 pages)	\\TICRS\EXPORT16\IMAGEOUT16\863\144\86314423\xml12\RFR0007.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\144\86314423\xml12\RFR0008.JPG
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	\\TICRS\EXPORT16\IMAGEOUT16\863\144\86314423\xml12\RFR0010.JPG
SPECIMEN DESCRIPTION	Correspondence between Applicant and its customer showing provision of manufacturing services under the mark, and an engineering bulletin dated 11/1/2005 provided to customer.

	repair and maintenance advice.
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	
MISCELLANEOUS FILE NAME(S)	
ORIGINAL PDF FILE	mis-21658157228-20151207110649249585_.Burgess3000SupplementalResponsetoO
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT16\IMAGEOUT16\863\144\86314423\xml12\RFR0011.JPG
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	\\TICRS\EXPORT16\IMAGEOUT16\863\144\86314423\xml12\RFR0013.JPG
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Jennifer S. Sickler/
SIGNATORY'S NAME	Jennifer S. Sickler
SIGNATORY'S POSITION	Attorney of Record, Texas Bar Member
SIGNATORY'S PHONE NUMBER	713-653-8611
DATE SIGNED	12/07/2015
RESPONSE SIGNATURE	/Jennifer S. Sickler/
SIGNATORY'S NAME	Jennifer S. Sickler
SIGNATORY'S POSITION	Attorney of Record, Texas Bar Member
SIGNATORY'S PHONE NUMBER	713-653-8611
DATE SIGNED	12/07/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Dec 07 11:16:39 EST 2015
	USPTO/RFR-XXX.XX.XXX.XXX-

TEAS STAMP

20151207111639045730-8631
4423-550bfe78234fe425f6cb
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986daf1b35ecc853c87aed-N/
A-N/A-2015120711064924958
5

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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **86314423** BURGESS(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86314423/large>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 037 for Maintenance and repair of oil field equipment, namely, oil drilling mud degasser, mechanical oxygen scavenger, and vacuum / blower equipment used in the degassing of drilling mud

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/1973 and first used in commerce at least as early as 00/00/1973 , and is now in use in such commerce.

Proposed: Class 037 for Maintenance and repair of oil field equipment, namely, oil drilling mud degasser, mechanical oxygen scavenger, and vacuum / blower equipment used in the degassing of drilling mud

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/1973 and first used in commerce at least as early as 00/00/1973 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 037 . The specimen(s) submitted consists of Correspondence between Applicant and its customer showing provision of manufacturing and repair services under the mark, and an engineering bulletin dated 11/1/2005 provided to customers with repair and maintenance advice. .

"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" *[for an application based on Section 1(a), Use in Commerce]* OR **"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** *[for an application based on Section 1(b) Intent-to-Use]*. OR **"The attached specimen is a true copy of the specimen that was originally**

submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].

Original PDF file:

[SPU1-21658157228-20151207110649249585_._Burgess3000ExhibitASupplementalResponse.pdf](#)

Converted PDF file(s) (5 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

Original PDF file:

[SPU1-21658157228-20151207110649249585_._Burgess3000ExhibitBSupplementalResponse.pdf](#)

Converted PDF file(s) (4 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

ADDITIONAL STATEMENTS

Miscellaneous Statement

Original PDF file:

[mis-21658157228-20151207110649249585_._Burgess3000SupplementalResponsetoOfficeAction.pdf](#)

Converted PDF file(s) (3 pages)

[Miscellaneous File1](#)

[Miscellaneous File2](#)

[Miscellaneous File3](#)

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; *for a collective trademark, collective service mark, collective membership mark*

application, or certification mark application, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; *for a certification mark application*, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a) COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: *for a trademark or service mark application*, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; *for a collective trademark, collective service mark, collective membership mark, or certification mark application*, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; *for a certification mark application*, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /Jennifer S. Sickler/ Date: 12/07/2015
Signatory's Name: Jennifer S. Sickler
Signatory's Position: Attorney of Record, Texas Bar Member
Signatory's Phone Number: 713-653-8611

Request for Reconsideration Signature

Signature: /Jennifer S. Sickler/ Date: 12/07/2015
Signatory's Name: Jennifer S. Sickler
Signatory's Position: Attorney of Record, Texas Bar Member

Signatory's Phone Number: 713-653-8611

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof;

and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86314423

Internet Transmission Date: Mon Dec 07 11:16:39 EST 2015

TEAS Stamp: USPTO/RFR-XXX.XX.XXX.XXX-201512071116390

45730-86314423-550bfe78234fe425f6cb4e53b

15c575c4d7a740516e7e986daf1b35ecc853c87a

ed-N/A-N/A-20151207110649249585

Example No. 1

From: engineering@burgess-mfg.com
Sent: Monday, November 30, 2015 8:31 AM
To: 'West Carina Drilling Optimizer'; sales@burgess-mfg.com
Cc: Relpend; West Carina Drilling Section Leader; West Carina Toolpusher
Subject: RE: Assistance on improving Burgess degasser processing flow rate

Rafael Zanardo Nascimento
West Carina – Drilling Optimizer
Seadrill Serviços de Petróleo Ltda.
Brazil

Ref: Serial Number 654 Flow Rate

- The flow rate 915.5 GPM of the Model 1500-CE Burgess Magna-Vac Degasser® is on the performance curve as it should be with the lift shown.
- Yes, the flow rate can be increased by reducing the lift.
- Lower the Model 1500-CE Burgess Magna-Vac Degasser® until the mud level is just below the bottom cover.
- Review line #7 and figure VI in the attached Performance Curves, Engineering Standard #362.

Regards,

David Mc Ever
Engineer

- Please visit our web site by clicking on the link below.

BURGESS MANUFACTURING, LTD.
P.O. BOX 41327
HOUSTON, TEXAS 77241
PHONE 713-466-5444
FAX 713-466-1914
WEB SITE WWW.BURGESS-MFG.COM

EXHIBIT A

From: West Carina Drilling Optimizer [<mailto:DRO.WCarina@seadrill.com>]
Sent: Thursday, November 26, 2015 3:58 AM
To: sales@burgess-mfg.com
Cc: Relpend; West Carina Drilling Section Leader; West Carina Toolpusher
Subject: Assistance on improving Burgess degasser processing flow rate

Dear sir or madam,

My name is Rafael, I am the performance Toolpusher at the West Carina, where we own one Burgess vacuum degasser.

The Burgess degasser we have here is currently able to reach a maximum process flow rate of about 900 gpm. Our client requires us to have degassers able to process at least 1000 gpm, so we are looking into ways of improving its performance (as the nominal flow rate for the equipment is 1000 gpm).

You will find attached an acceptance test data sheet for our degasser. Could you help us identify what factors could be changed so we can make our degasser reach the design flow rate of 1000 gpm?

I look forward to hearing from you.

Regards,

Rafael Zanardo Nascimento
West Carina – Drilling Optimizer
Seadrill Serviços de Petróleo Ltda.

Seadrill
Avenida República do Chile 230, 22º andar - Centro
CEP: 20031-919 – Rio de Janeiro - RJ
Brasil

Office phone: (+55 22) 2141-8100
Rig phone: (+55 22) 2753-9810
E-mail: DRO.WCarina@seadrill.com

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November 1, 2005

ENGINEERING STANDARD #362

Degasser Models 1000 & 1500

TITLE: PERFORMANCE CURVES

SCOPE: To define the capability and performance of the Burgess Magna-Vac Degasser® Model 1000 and Model 1500 during normal operation conditions.

PROCEDURE:

1. The percentage of entrained gas by volume contained in the drilling mud may be obtained by using the following formula:

$$(1 - A/B) \times 100 = C$$

Where A = Gas and mud mixture weight in lbs./gal. [kg/liter]
 B = Original mud weight in lbs./gal. [kg/liter]
 C = % gas by volume

2. The amount of entrained gas may also be determined by utilizing the attached graph which is shown in Figure 1. The units will be in ft³/min.[cubic decimeter per second].
3. The graph in Figure II. shows the flow, SCFM [dm³/s] of free gas relative to the vacuum inches [mm] of mercury (Hg).
4. The curves with various vacuums on the graph in Figure III. shows the lift in feet [meters] relative to the specific gravity of gas entrained mud. The specific gravity of the gas cut mud may be obtained by:

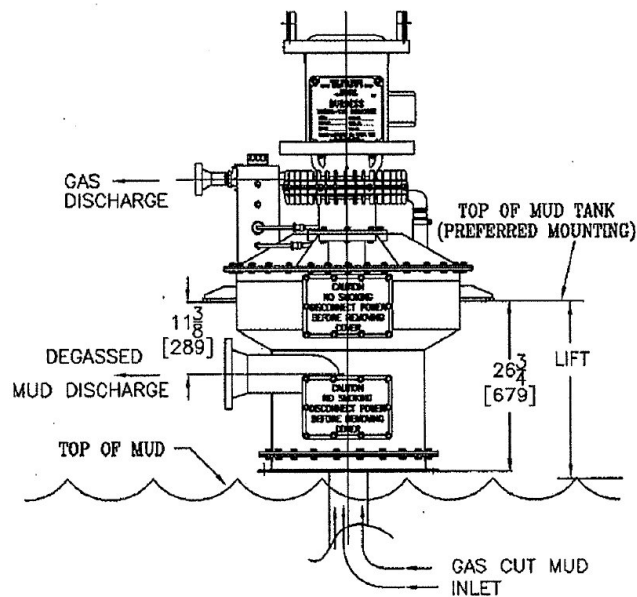
$$A/K = S.G.$$

Where A = Gas and mud mixture weight in lbs./gal. [kg/liter]
 K = Clear water weight in lbs./gal. [kg/liter]
 S.G. = Specific Gravity

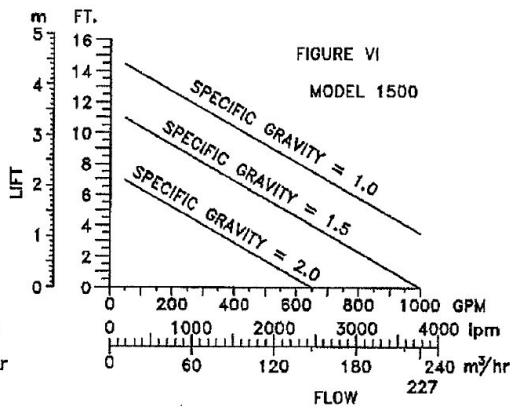
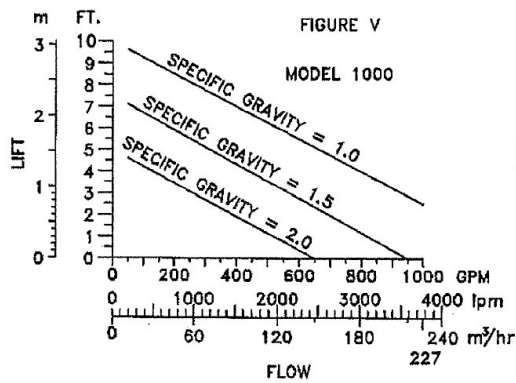
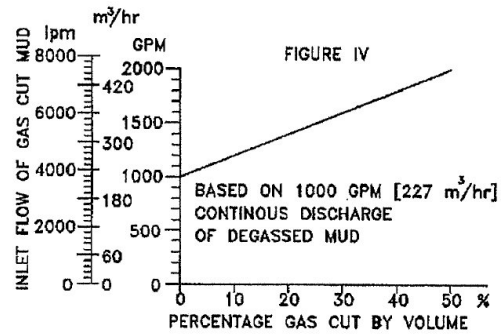
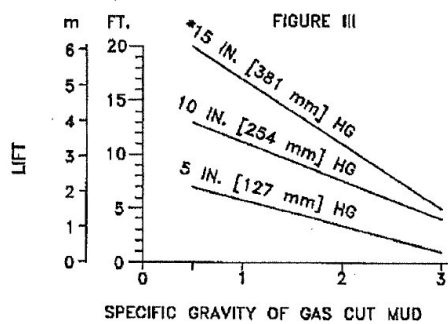
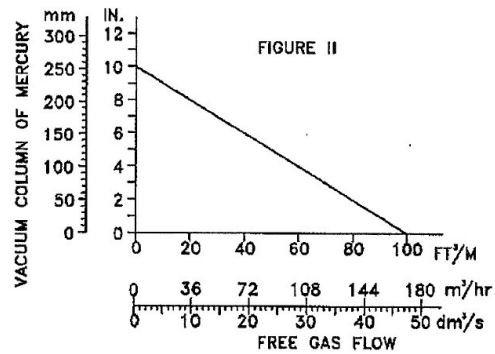
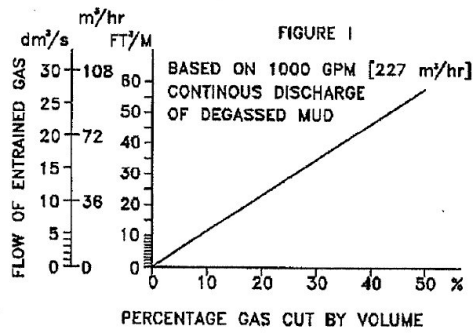
ENGINEERING STANDARD #362

Page 2 of 3

5. The curves in Figure IV. shows the inlet flow rate relative to the percent of gas cut mud by volume.
6. The curves in Figure V. show the affects of lift on flow for a Model 1000 Burgess Magna-Vac Degasser®. The maximum flow rate for a Model 1000 Burgess Magna-Vac Degasser® is 1000 GPM [227 m³/hr].
7. The curves in Figure VI. show the affects of lift on flow for a Model 1500 Burgess Magna-Vac Degasser®. The maximum flow rate for a Model 1500 Burgess Magna-Vac Degasser® is 1000 GPM [227 m³/hr].



G. David Mc Ever
G. David Mc Ever



* 15 IN. [381 mm] HG VAC. AVAILABLE WITH MODEL 1500 ONLY

Example no. 4

From: engineering@burgess-mfg.com
Sent: Wednesday, October 28, 2015 10:33 AM
To: 'West Capella Mechanic'
Subject: MUD WEIGHT

Tochukwu E.
West **Capella Mechanic**
Seadrill Mobile Units Nigeria Limited
Ikoyi, Lagos
Nigeria, Africa

Ref: Model 1500 Burgess Magna-Vac Degasser serial number 510 MUD WEIGHT

The Model 1500 Burgess Magna-Vac Degasser® will process mud the same as any other centrifugal pump.

If it will prime, it will degas mud.

We have been in the oil field since 1968 in all kind of conditions around the world.

Please see attached PERFORMANCE CURVES, Engineering Standard number 362.

Note that lift and vacuum are critical.

Regards,

David Mc Ever

- Please visit our web site by clicking on the link below.

BURGESS MANUFACTURING, LTD.
P.O. BOX 41327
HOUSTON, TEXAS 77241
PHONE 713-466-5444
FAX 713-466-1914
WEB SITE WWW.BURGESS-MFG.COM

EXHIBIT B

From: West Capella Mechanic [<mailto:MCH.wCapella@seadrill.com>]
Sent: Tuesday, October 27, 2015 6:10 PM
To: engineering@burgess-mfg.com
Subject: RE: Issue with Burgess degasser

David,

Thanks for your reply.

What's the maximum mud weight that this degasser can handle?

Tochukwu E.

Seadrill

West Capella Mechanic
Seadrill Mobile Units Nigeria Limited

Seadrill
Sabaina House, Plot M15
Banana Island Foreshore Estate
Ikoyi, Lagos
Nigeria

Office phone: +47 5288 5138
Mobile phone:
E-mail: MCH.wCapella@seadrill.com

From: engineering@burgess-mfg.com [<mailto:engineering@burgess-mfg.com>]
Sent: Tuesday, October 27, 2015 5:51 PM
To: West Capella Mechanic
Cc: sales@burgess-mfg.com; West Capella Assistant Technical Section Leader
Subject: RE: Issue with Burgess degasser

Tochukwu E.
West Capella
Seadrill
Nigeria, Africa

Ref: Model 1500 Burgess Magna-Vac Degasser serial number 510

- You asked:
Now my Question is,
When we measure the run out using a dial indicator, and we have a measurement greater than 0.002in how do we adjust/ or correct this so that our run out can be within range?

This should be acceptable as long the motor shaft is not bent and the runout is minimal.

Make sure there is no burrs or trash on the housing and impeller. A flat file gently on the faces will help.

The booster will work satisfactorily as long as the impeller does not rub at normal operating temperature.
- You asked:
On the housing port alignment for the assembly/ vacuum/blower assembly manual for all degasser models, How do we align the housing to the motor shaft specifically?

On the main vacuum/blower assembly and the booster the upper housing should be aligned to the motor shaft with a dial indicator.

- You asked:

Do we need to add shims to the bottom of the casing where its bolted down to the motor or just adjust the casing by moving it around?

No shims should be required between the main vacuum/blower assembly and the booster the upper housing and the motor.

Check for trash or handling damage to either the face of the motor or the face of either housing.

Regards,

David Mc Ever

- Please visit our web site by clicking on the link below.

BURGESS MANUFACTURING, LTD.
P.O. BOX 41327
HOUSTON, TEXAS 77241
PHONE 713-466-5444
FAX 713-466-1914
WEB SITE WWW.BURGESS-MFG.COM

From: sales@burgess-mfg.com
Sent: Sunday, October 25, 2015 8:20 PM

To: engineering@burgess-mfg.com
Subject: Fwd: Issue with Burgess degasser

Sent from my iPhone

Begin forwarded message:

From: West Capella Mechanic <MCH.wCapella@seadrill.com>
Date: October 25, 2015 at 4:00:31 PM CDT
To: "sales@burgess-mfg.com" <sales@burgess-mfg.com>
Cc: West Capella Assistant Technical Section Leader <ATSL.wcapella@seadrill.com>
Subject: Issue with Burgess degasser

Hello,

We are having some issues with our degasser Model 1500, serial No. 510 onboard west Capella and we will need some assistance getting the repairs right.

Here attached is an excerpt from your Burgess manual.

Please refer to item 7 on the assembly of the Turbo-Vac Booster section.

Now my Question is,
When we measure the run out using a dial indicator, and we have a measurement greater than 0.002in how do we adjust/ or correct this so that our run out can be within range?

On the housing port alignment for the assembly/ vacuum/blower assembly manual for all degasser models, How do we align the housing to the motor shaft specifically?
Do we need to add shims to the bottom of the casing where its bolted down to the motor or just adjust the casing by moving it around?

Any specific information that you can provide us on this issue will be really appreciated.

Regards,

Tochukwu E.

IN RE APPLICATION OF:

~~~~~

7,37

**LAW OFFICE: 115**

**EXAMINING ATTY.:**

John S. Yard

**ATTY. DKT. NO.:** 507031.3000

1

in which Applicant rendered maintenance and repair services under the BURGESS mark to Seadrill in connection with degasser equipment. Attached to **Exhibit A**, and provided to the customer with the email, is "Burgess Manufacturing Ltd. Engineering Standard #362" dated November 1, 2005 for Degasser Models 1000 and 1500 and entitled "Performance Curves" Standard #362 has been routinely provided to customers since at least 2005 in connection with repair and maintenance services and with correspondence similar to **Exhibits A and B**.

Correspondence bearing the mark is an acceptable specimen of use, if the content of the letter indicates the field or service area in which the mark is used. *See* TMEP 1301.04(c). *See In Monograms America, Inc.*, 51 USPQ2d 1317 (TTAB 1999). Attached is a Declaration under 37 C.F.R. § 2.20 verifying that correspondence such as the attached substitute specimens were in use at least as early as the filing date of the application.

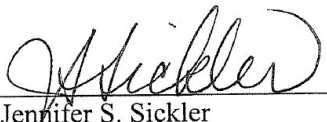
In addition, Applicant respectfully asserts that the prior Class 37 specimens that it submitted show use of the mark with the services in question.

### CONCLUSION

Applicant requests that its application be allowed and permitted to proceed to publication. The Commissioner is authorized to charge any fees required by this filing to Deposit Account No. 20-0821 (507031.3000).

Respectfully submitted,

Date: Dec. 7, 2015

  
\_\_\_\_\_  
Jennifer S. Sickler  
Attorney for Applicant  
THOMPSON & KNIGHT LLP  
333 Clay Street, Suite 3300

Application No. 86/314,423

Trademark

Houston, Texas 77002  
(713) 653-8611 (Telephone)  
(832) 397-8290 (Facsimile)  
E-mail: [jennifer.sickler@tklaw.com](mailto:jennifer.sickler@tklaw.com)